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Sent: Wed 11/28/2012 8:42:42 PM
Subject: AES - Planned Communications

Planned Communications with AES

December 7th 10 AM Teleconference with DECA and ORC

- Introductions and discussion of proposed injunctive relief to be included in a RCRA 7003 Order on Consent. Discussion of AES concerns and/or issues.
- Injunctive relief to comprise i) construction of a RCRA Part 258 compliant monofill for storage/disposal of future generated aggregate, ii) Part 258 management standards (i.e., ground water detection monitoring and corrective action, cover, storm water controls, etc.) for AES well field (disposal site), iii) appropriate standards for aggregate management at point of generation at AES power plant, and iv) mechanism for EPA prior approval of any future proposed beneficial reuse of aggregate.
- We anticipate AES may raise numerous issues in an attempt to avoid the proposed injunctive relief, including: i) inapplicability of LEAF test to Agremax, lack of ORD guidance on correlation of LEAF test results to field conditions, etc., ii) lack of ground water data and/or modeling, lack of existing PRASA ground water data showing contaminant migration, or possibly the existence of ground water data (i.e., in AES's possession, but of which we are currently unaware) showing no contaminant migration, and iii) lack of applicable regulations and/or uncertainty regarding outcome of proposed rule.

December 17th 10 AM Meeting with DECA and ORC

- Order negotiation, including discussion of scheduling and implementation logistics.

December 17th 2:30 PM Meeting between Regional Administrator and senior AES Official